

Robert N. Phillips (SBN 120970)
Email: robphillips@reedsmith.com
Paulo L. Sousa (SBN 288705)
Email: psousa@reedsmith.com
REED SMITH LLP
101 Second Street, Suite 1800
San Francisco, CA 94105-3659
Telephone: +1 415 543 8700
Facsimile: +1 415 391 8269

Attorneys for Defendants
Wal-Mart Stores, Inc. (erroneously sued as
“Wal-Mart”) and General Electric Company
(erroneously sued as “General Electric”)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Indiezone, Inc., a Delaware corporation, and
EoBuy, Limited an Irish private limited
company,

Plaintiffs,

VS.

Todd Rooke, Joe Rogness, Phil Hazel, Sam Ashkar, Holly Oliver and U.S. Bank, collectively the *RICO Defendants*;

Jingit LLC., Jingit Holdings LLC., Jingit Financial Services LLC., Music.Me, LLC, Tony Abena, John E. Fleming, Dan Frawley, Dave Moorehouse II, Chris Ohlsen, Justin James, Shannon Davis, Chris Karls in their capacities as officers, agents and/or employees of the Jingit LLC.,

Defendants in Negligence, and Aiding/Abetting

Wal-Mart, General Electric, Target, DOE(s) and ROE(s) 1 through 10, *Defendants in Negligence Secondary-Vicarious Infringement.*

Defendants.

Case No.: 3:13-cv-04280-VC

**DEFENDANTS WAL-MART STORES,
INC. AND GENERAL ELECTRIC
COMPANY'S STATEMENT REGARDING
DEFENDANTS' SUPPLEMENTAL BRIEF
FOR SANCTIONS**

Compl. Filed: September 16, 2013

Honorable Vince Chhabria

1 Defendants Wal-Mart Stores, Inc. (erroneously sued as "Wal-Mart") and General Electric
2 Company (erroneously sued as "General Electric") (collectively, the "Retailer Defendants")
3 respectfully state and submit to the Court and all parties that, regarding the Jingit Defendants'1
4 Supplemental Brief for Sanctions (the "Supplemental Brief") (*see* Dkt. Nos. 139-40), the Retailer
5 Defendants have closely followed the sanctions proceedings, filed joinders on the underlying
6 substantive motions and all related papers/pleadings before the Court (*see* Dkt. Nos. 74, 98), and
7 counsel for the Retailer Defendants attended the underlying hearing at which the fraudulent
8 statements and arguments were made. For these reasons, in addition to the reasons articulated by the
9 Jingit Defendants in the Supplemental Brief, the Retailer Defendants should be the beneficiaries of
10 any dismissal ordered by the Court.

11
12 DATED: August 13, 2014
13

REED SMITH LLP

14
15 By /s/ Robert N. Phillips
16 Robert N. Phillips (SBN 120970)
17 Paulo L. Sousa (SBN 288705)

18 Attorneys for Defendants
19 Wal-Mart Stores, Inc. and General Electric
20 Company
21
22
23
24
25
26
27
28

1 The "Jingit Defendants" consist of Jingit LLC; Jingit Holdings, LLC; Jingit Financial Services, LLC; Todd Rooke; Joe
2 Rogness; Phil Hazel; Sam Ashkar, Holly Oliver; Shannon Davis; Justin James; Chris Ohlsen; Dan Frawley; Dave
3 Moorehouse, II; Tony Abena; Chris Karls; John E. Fleming; and Music.Me, LLC.